

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MARLON ANDERSON, SR.,

Plaintiff,

v.

DENCO MANUFACTURING, INC.,

Defendant.

Case No. 19-CV-1841-JPS

ORDER

On October 15, 2021, Defendant Denco Manufacturing, Inc. (“Denco”) filed a motion for summary judgment. (Docket #38). On November 2, 2021, counsel for Plaintiff Marlon Anderson, Sr. (“Anderson”) filed a response indicating that he would not oppose Denco’s motion. (Docket #45).

Under Federal Rule of Civil Procedure 56, a “court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” *Id.*; *Boss v. Castro*, 816 F.3d 910, 916 (7th Cir. 2016). A “genuine” dispute of material fact exists when “the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). The Court construes all facts and reasonable inferences in a light most favorable to the nonmovant. *Bridge v. New Holland Logansport, Inc.*, 815 F.3d 356, 360 (7th Cir. 2016). In assessing the parties’ proposed facts, the Court must not weigh the evidence or determine witness credibility; the Seventh Circuit instructs that “we leave those tasks to factfinders.” *Berry v. Chi. Transit Auth.*, 618 F.3d 688, 691 (7th Cir. 2010).

In the present case, the parties dispute no facts, material or otherwise. (Docket #45). Denco argues that it did not discriminate against Anderson. In his response brief and at a hearing on the motion, Anderson (through his attorney) agreed that the record lacks any direct evidence that would allow a reasonable jury to conclude that Denco took adverse action against Anderson because of his race. The parties agree that any argument otherwise would be frivolous and without merit. Thus, the Court will grant Denco's motion for summary judgment.

Accordingly,

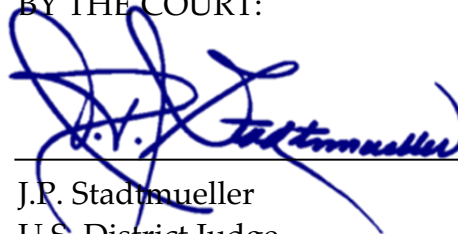
IT IS ORDERED that Defendant's motion for summary judgment (Docket #38) be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that this case be and the same is hereby **DISMISSED with prejudice**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 10th day of January, 2022.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge